

From: [Gray, David](#)
To: [Smith, Monica](#); [Thompson, Steve](#); [Mason, Steve](#)
Cc: [Webster, Susan](#)
Subject: Final response: Media follow-up question
Date: Thursday, November 20, 2014 6:13:49 AM

Here is the final response cleared by OGC . It has been distributed to NYT and WSJ by HQ OPA.
Thanks for all of your help.

On Nov 19, 2014, at 5:02 PM, "Allen, Laura" <Allen.Laura@epa.gov> wrote:

David, here is the language that HQ OGC is comfortable with.

Risk management plans (RMP) developed under the Clean Air Act, describe the ways in which a facility reduces the likelihood of accidental releases of certain extremely hazardous substances into the air, and its plans for dealing with any accidental releases of these substances which may occur. It (RMP) does not establish short-term reporting requirements for accidents.

Reporting of chemical releases and spills are governed by CERCLA and EPCRA, which establish reportable quantity thresholds at facilities as well as reporting requirements. CERCLA release reports go to the National Response Center operated by the US Coast Guard. Historical reporting of releases and spill reporting would be maintained in the NRC database and available from the USCG rather than the EPA. Similarly, EPCRA release reports go to local response authorities rather than the EPA. The NRC does, however, alert agencies including EPA of incoming facility notifications for possible follow up action. EPA was alerted by the NRC about the DuPont notification and EPA dispatched emergency response personnel to assist. A quick review of our dispatch records for emergency response personnel did not show previous responses to the DuPont La Porte facility in the past 5 years. We can expand that review to 10 years if that would be helpful but our long-time team members didn't recall any past responses.

Reporting regarding accidents at facilities (accidents involving injury to employees) is covered by requirements established by OSHA. Accident and injury reporting is provided to OSHA by facilities, not EPA. In specific incidents where death occurs, the independent Chemical Safety Board is authorized to investigate the cause of an accident and evaluate the circumstances. After the CSB completes its investigation that Agency publishes its findings. The CSB has responded to investigate this incident.

Facility operating permits also establish monitoring and reporting requirements when facilities fail to meet specific pollution controls and permit specific limits. While these permitting programs are established by federal law (eg. CWA, CAA, RCRA, etc.), the Texas Commission on Environmental Quality, like most states, has federal delegation to issue these variety of permits. These state-issued permits would include monitoring and reporting to the state regulatory agency.



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